

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE (WILMINGTON)**

|  |   |
|--|---|
| ROBERT H. AYLOR, JR., On Behalf of Himself | x |
| and All Others Similarly Situated,         | : |
| Plaintiff,                                 | : |
| vs.  | : |
| XYBERNAUT CORPORATION, EDWARD G.           | : |
| NEWMAN, STEVEN A. NEWMAN, M.D., and        | : |
| THOMAS D. DAVIS,                           | : |
| Defendants.                                | : |

**[Caption continues on next page]**

**NOTICE OF WITHDRAWAL OF THE MOTION OF THE JAMES GROUP FOR  
CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL  
OF SELECTION OF LEAD COUNSEL**

**MILBERG WEISS BERSHAD  
& SCHULMAN LLP**  
Seth D. Rigrodsky (#3147)  
Ralph N. Sianni (#4151)  
919 N. Market Street, Suite 411  
Wilmington, Delaware 19801  
Telephone: (302) 984-0597

--and--

**MILBERG WEISS BERSHAD  
& SCHULMAN LLP**  
Steven G. Schulman  
Peter E. Seidman  
Sharon M. Lee  
One Pennsylvania Plaza - 49th Floor  
New York, NY 10119  
Telephone: (212) 594-5300

**HOLMAN LAW OFFICE**

Thomas A. Holman  
One Pennsylvania Plaza — Suite 4632  
New York, N.Y. 10119  
Telephone: (212) 699-4596

***Plaintiff's Counsel***

Dated: July 5, 2005

**STULL, STULL & BRODY**

Jules Brody  
Aaron Brody  
Tzivia Brody  
6 East 45<sup>th</sup> Street  
New York, New York 10017  
Telephone: (212) 687-7230

***Proposed Lead Counsel***

|  |   |                              |
|--|---|------------------------------|
| MOSHE TAL, On Behalf of Himself and All<br>Others Similarly Situated,                                      | : |                              |
| Plaintiff,   | : | Case No. 1:05-cv-00242 (SLR) |
| vs.  | : |                              |
| XYBERNAUT CORPORATION, EDWARD G.<br>NEWMAN, STEVEN A. NEWMAN, M.D., and<br>THOMAS D. DAVIS,                | : |                              |
| Defendants.  | : |                              |
| MICHAEL FEHRENBACHER, Individually and<br>On Behalf of All Others Similarly Situated,                      | : |                              |
| Plaintiff,   | : | Case No. 1:05-cv-00256 (SLR) |
| vs.  | : |                              |
| XYBERNAUT CORPORATION, EDWARD G.<br>NEWMAN, M.D. STEVEN A. NEWMAN and<br>THOMAS D. DAVIS,                  | : |                              |
| Defendants.  | : |                              |
| JEFFREY M. JASKOL and STACEY J. JASKOL,<br>Individually and On Behalf of All Others Similarly<br>Situated, | : |                              |
| Plaintiff,   | : | Case No. 1:05-cv-00268 (SLR) |
| vs.  | : |                              |
| XYBERNAUT CORPORATION, EDWARD G.<br>NEWMAN, STEVEN A. NEWMAN, M.D., and<br>THOMAS D. DAVIS,                | : |                              |
| Defendants.  | : |                              |

**Caption continues on next page]**

|   |   |                              |
|---|---|------------------------------|
| JOSEPH DANIEL WAUHOP, On Behalf of<br>Himself and All Others Similarly Situated,  | : |                              |
| Plaintiff,  | : | Case No. 1:05-cv-00310 (SLR) |
| vs.   | : |                              |
| XYBERNAUT CORPORATION, EDWARD G.<br>NEWMAN, STEVEN A. NEWMAN, M.D.,<br>THOMAS D. DAVIS, JOHN F. MOYNAHAN<br>and GRANT THORNTON LLP,                       | : |                              |
| Defendants.   | : |                              |
| [CHRISTINA W. DONNELLY, JOHN<br>DONNELLY, JAMES G. WILLIAMSON and<br>RICHARD W. DEARBORN, Individually and On<br>Behalf of All Others Similarly Situated, | : | Case No. 1:05-cv-00334 (JJF) |
| Plaintiff,  | : |                              |
| vs.   | : |                              |
| XYBERNAUT CORPORATION, EDWARD G.<br>NEWMAN, STEVEN A. NEWMAN, THOMAS<br>D. DAVIS and BRUCE C. HAYDEN,   | : |                              |
| Defendants.   | : |                              |
| CHARLES W. SMITH, Individually and On<br>Behalf of All Others Similarly Situated,   | : |                              |
| Plaintiff,  | : | Case No. 1:05-cv-00354 (SLR) |
| vs.   | : |                              |
| XYBERNAUT CORPORATION, EDWARD G.<br>NEWMAN, STEVEN A. NEWMAN, THOMAS<br>D. DAVIS, BRUCE C. HAYDEN and GRANT<br>THORNTON LLP,                              | : |                              |
| Defendants.   | x |                              |

PLEASE TAKE NOTICE that lead plaintiff movants Kenneth James, La Rocca Pietro, Michael A. Farmakis, David S. Pennington, and Christina Donnelly (collectively, the "James Group" or "Movant") hereby withdraw their Lead Plaintiff/Lead Counsel motion. The James Group members do not, however, by this withdrawal, waive their right to participate and recover as class members or shareholders in this or any litigation. The James Group members reserve the right to intervene and seek appointment as Lead Plaintiff or class representative should it appear that the Court appointed lead plaintiff is not performing its duties to the class.

DATED: July 5, 2005

Respectfully submitted,

**MILBERG WEISS BERSHAD  
& SCHULMAN LLP**

By: /s/ Ralph N. Sianni  
Seth D. Rigrodsky (#3147)  
Ralph N. Sianni (#4151)  
919 N. Market Street, Suite 411  
Wilmington, Delaware 19801  
Tel.: (302) 984-0597

--and--

**MILBERG WEISS BERSHAD  
& SCHULMAN LLP**  
Steven G. Schulman  
Peter E. Seidman  
Sharon M. Lee  
One Pennsylvania Plaza - 49th Floor  
New York, NY 10119  
Tel.: (212) 594-5300

**STULL, STULL & BRODY**  
Jules Brody  
Aaron Brody  
Tzivia Brody  
6 East 45<sup>th</sup> Street  
New York, New York 10017  
Tel.: (212) 687-7230  
Fax.: (212) 490-2022

*Proposed Lead Counsel*

**HOLMAN LAW OFFICE**

Thomas A. Holman

One Pennsylvania Plaza — Suite 4632

New York, N.Y. 10119

Tel.: (212) 699-4596

Fax.: (212) 947-9967

*Plaintiff's Counsel*